

Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 1-20 are pending after entry of the present Request for Reconsideration.

Rejections under 35 U.S.C. § 102:

The Office has rejected claims 1-20 under 35 U.S.C. section 102(b) as being anticipated by RFC 1889-RTP: A Transport Protocol for Real-Time Applications, January 1996 (hereinafter RFC 1889). For at least the following reasons, the Applicants submit that RFC 1889 fails to disclose each and every feature of the claimed invention, as RFC 1889 is directed at end-to-end network transport specific functions suitable for applications transmitting real-time data, and not transport independent RTP stack, as defined in the claimed invention.

The Applicants respectfully submit that RFC 1889 fails to disclose a transport – independent tasks module and a connector module, as defined in independent claim 1 of the claimed invention. The Office has cited to two excerpts of RFC 1889 (i.e., Abstract and section 1), interpreting that the latter sections of RFC 1889 disclose the transport-independent tasks module and connector module of the claimed invention. In arriving at such interpretation, however, the Office has not pointed out the specific module the Office interprets to be the transport-independent tasks module, or the module the Office interprets to be equivalent to the connector module of the claimed invention. As such, it is respectfully submitted that the Applicants cannot respond to the Office's interpretation with specificity. Nonetheless, the Applicants submit that the latter two excerpts of RFC 1889 do not disclose any type of modules. Nor do the latter excerpts disclose any modules which can perform methods independent of the underlying transport layer or methods dependent on the underlying transport layer.

In the same manner, citing to the abstract and section 1 of RFC 1889, the Office has interpreted that RFC 1889 discloses a real-time transport protocol module, as defined in the independent claim 8. The Office has further cited to the definitions of translator and mixer provided in section 7.1, interpreting that the RTP output stream methods and an input stream method of the claimed invention have been disclosed, or that paragraphs 1-4 of section 6.2 of RFC 1889 provides RTCP output stream method and input stream, as defined in the claimed invention. The Office has further cited to the definitions of the translator and mixer as well as section 10 interpreting that RFC 1889 also discloses the RTP transmitter module and receiver module of the transport-independent tasks module of the claimed invention. Yet further, the Office has interpreted that the translator and mixer, as defined in RFC 1889, can be interpreted to be the RTP output stream of the claimed invention that is claimed to be in communication with the RTP transmitter module, or the RTP input stream method that is in communication with the RTP receiver module.

The Applicants respectfully submit that the Applicants cannot determine with specificity the exact components the Office interprets to be or perform the functions of the RTP transmitter and RTP receiver of the claimed invention. The Applicants further submit that the Applicants are unclear as to the methods the Office interprets to be the RTP output stream method, RTP input stream method, or calling method defined in independent claims 8 and 13. Having read the excepts pointed out by the Office, the Applicants submit that none of the elements disclosed in RFC 1889 provides, or can provide any of the features or any of the functions of the claimed invention, as defined in claims 8 and 13.

Accordingly, independent claims 1, 8, and 13, are respectfully submitted to be patentable under 35 U.S.C. § 102(b) over RFC 1889. In a like manner, dependent claims 2-7, 9-12, and 14-20, which directly or indirectly depend from independent claims 1, 8, and 13, are submitted to be patentable for at least the same reasons set forth above regarding the applicable independent claim. As such, the Applicants respectfully request that the § 102 (b) rejections be withdrawn.

In view of the foregoing, the Applicants respectfully request reconsideration and reexamination of claims 1-20, and submit that all of the pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP025). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

~~MARTINE PENILLA & GENCARELLA, LLP~~



Fariba Yadegar-Bandari, Esq.
Reg. No. 53,805

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone (408) 774-6913
Facsimile (408) 749-6901
Customer No. 32291